

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

THOMSON REUTERS ENTERPRISE	)	
CENTRE GMBH and WEST PUBLISHING	)	
CORPORATION,	)	
	)	
Plaintiffs and	)	
Counterdefendants,	)	
	)	
v.	)	C.A. No. 20-613 (SB)
	)	
ROSS INTELLIGENCE INC.,	)	REDACTED – PUBLIC VERSION
	)	
Defendant and	)	
Counterclaimant.	)	

**DECLARATION OF MAX SAMELS IN SUPPORT OF THOMSON REUTERS’  
MOTIONS FOR PARTIAL SUMMARY JUDGMENT (NOS. 1-6)**

**VOLUME 1 – EXHIBITS 1-30**

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Publishing Corporation*

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

THOMSON REUTERS ENTERPRISE )  
CENTRE GMBH and WEST PUBLISHING )  
CORPORATION, )

Plaintiffs and )  
Counterdefendants, )

v. )

ROSS INTELLIGENCE INC., )

Defendant and )  
Counterclaimant. )  
)

C.A. No. 20-613 (SB)

**FILED UNDER SEAL**

**DECLARATION OF MAX SAMELS IN SUPPORT OF THOMSON REUTERS’  
MOTIONS FOR PARTIAL SUMMARY JUDGMENT (NOS. 1-6)**

I, Max Samels, declare as follows:

1. I am an attorney at the law firm of Kirkland & Ellis LLP, counsel of record for Plaintiffs and Counterdefendants Thomson Reuters Enterprise Centre GmbH and West Publishing Corporation (collectively, “Plaintiffs” or “Thomson Reuters”). I am admitted and in good standing to practice law in the state of Illinois, and I am admitted *pro hac vice* to practice in this District for the above-captioned case. I submit this declaration in support of Thomson Reuters’ Motion for Summary Judgment on ROSS’s Antitrust Counterclaims (No. 1) – Separate Products; Motion for Summary Judgment on ROSS’s Antitrust Counterclaims (No. 2) – Market Definition and Power; Motion for Summary Judgment on ROSS’s Antitrust Counterclaims (No. 3) – Statute of Limitations; Motion for Summary Judgment on ROSS’s Antitrust Counterclaims (No. 4) – Injunctive Relief; Motion to Exclude the Testimony of Dr. Alan Cox and Motion for Summary Judgment on ROSS’s Antitrust Counterclaims (No. 5) – Comcast; and Motion (No. 6) to Exclude Dr. James Ratliff and Dr. Gillian Hadfield. The statements set forth in this declaration are based

on my personal knowledge and my review of the contemporaneous documents referenced and attached hereto.

2. Attached hereto as **Exhibit 1** is a true and correct copy of excerpts from the deposition of Andrew Arruda, held on March 30, 2022 (“Arruda Dep. I”).

3. Attached hereto as **Exhibit 2** is a true and correct copy of excerpts from the deposition of Andrew Arruda, held on May 19, 2023 (“Arruda Dep. II”).

4. Attached hereto as **Exhibit 3** is a true and correct copy of excerpts from the deposition of Kai Bond, held on May 10, 2023.

5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the deposition of Christopher Cahn, held on May 12, 2022.

6. Attached hereto as **Exhibit 5** is a true and correct copy of excerpts from the deposition of Alan Cox, held on August 9, 2023 (“Cox Dep. II”).

7. Attached hereto as **Exhibit 6** is a true and correct copy of excerpts from the deposition of Michael Dahn, held on May 23, 2023.

8. Attached hereto as **Exhibit 7** is a true and correct copy of excerpts from the deposition of Pargles Dall’Oglio, held on March 9, 2022 (“Dall’Oglio I”).

9. Attached hereto as **Exhibit 8** is a true and correct copy of excerpts from the deposition of Julian D’Angelo, held on May 3, 2023.

10. Attached hereto as **Exhibit 9** is a true and correct copy of excerpts from the deposition of Gillian Hadfield, held on August 9, 2023.

11. Attached hereto as **Exhibit 10** is a true and correct copy of excerpts from the deposition of Tariq Hafeez, held on May 26, 2022.

12. Attached hereto as **Exhibit 11** is a true and correct copy of excerpts from the deposition of Thomas Hamilton, held on April 18, 2022 (“Hamilton I”).

13. Attached hereto as **Exhibit 12** is a true and correct copy of excerpts from the deposition of Thomas Hamilton, held on May 4, 2023 (“Hamilton II”).

14. Attached hereto as **Exhibit 13** is a true and correct copy of excerpts from the deposition of Mark Hoffman, held on April 25, 2023 (“Hoffman II”).

15. Attached hereto as **Exhibit 14** is a true and correct copy of excerpts from the deposition of Thomas Leighton, held on April 5, 2022 (“Leighton I”).

16. Attached hereto as **Exhibit 15** is a true and correct copy of excerpts from the deposition of Thomas Leighton, held on April 24, 2023 (“Leighton II”).

17. Attached hereto as **Exhibit 16** is a true and correct copy of excerpts from the deposition of Erik Lindberg, held on April 24, 2023 (“Lindberg II”).

18. Attached hereto as **Exhibit 17** is a true and correct copy of excerpts from the deposition of Andrew Martens, held on May 5, 2023 (“Martens II”).

19. Attached hereto as **Exhibit 18** is a true and correct copy of excerpts from the deposition of Peter Martin, held on August 3, 2023.

20. Attached hereto as **Exhibit 19** is a true and correct copy of excerpts from the deposition of Laurie Olivier, held on April 28, 2023 (“Olivier II”).

21. Attached hereto as **Exhibit 20** is a true and correct copy of excerpts from the deposition of Jimoh Ovbiagele, held on April 12, 2022 (“Ovbiagele I”).

22. Attached hereto as **Exhibit 21** is a true and correct copy of excerpts from the deposition of Jimoh Ovbiagele, held on May 2, 2023 (“Ovbiagele II”).

23. Attached hereto as **Exhibit 22** is a true and correct copy of excerpts from the deposition of Christine Post, held on April 27, 2023.

24. Attached hereto as **Exhibit 23** is a true and correct copy of excerpts from the deposition of Jim Ratliff, held on July 28, 2023.

25. Attached hereto as **Exhibit 24** is a true and correct copy of excerpts from the deposition of Sean Shafik, held on April 28, 2023 (“Shafik II”).

26. Attached hereto as **Exhibit 25** is a true and correct copy of excerpts from the deposition of Tomas van der Heijden, held on March 17, 2022 (“van der Heijden I”).

27. Attached hereto as **Exhibit 26** is a true and correct copy of excerpts from the deposition of Tomas van der Heijden, held on May 9, 2023 (“van der Heijden II”).

28. Attached hereto as **Exhibit 27** is a true and correct copy of excerpts from the deposition of Ed Walters, held on March 1, 2022.

29. On June 1, 2023, L. Karl Branting, J.D., Ph.D., submitted an expert report in this case. A true and correct copy of this report is attached as **Exhibit 28**.

30. Alan J. Cox, Ph.D. submitted an opening report on June 1, 2023 and a rebuttal report on July 20, 2023. True and correct copies of these reports are attached as **Exhibits 29** and **30**, respectively.

31. On June 1, 2023, Gillian K. Hadfield, J.D., Ph.D., submitted an expert report for this case. A true and correct copy of this report is attached as **Exhibit 31**.

32. On June 1, 2023, Peter W. Martin, J.D., submitted an expert report for this case. A true and correct copy of this report is attached as **Exhibit 32**.

33. James D. Ratliff, Ph.D. submitted an opening report on June 1, 2023 and a rebuttal report on July 20, 2023. True and correct copies of these reports are attached as **Exhibits 33** and **34**, respectively.

34. On June 22, 2023, Chad Syverson, Ph.D., submitted a rebuttal expert report for this case. A true and correct copy of this report is attached as **Exhibit 35**.

35. Attached hereto as **Exhibit 36** is a true and correct copy of a December 11, 2020 post on ROSS's blog titled "Announcement, available at <https://blog.rossintelligence.com/post/announcement> (last accessed August 31, 2023).

36. Attached hereto as **Exhibit 37** is a true and correct copy of the video produced in this litigation with Bates TRCC-02152138. This video was produced natively as an MP4 and will be lodged with the Court.

37. Attached hereto as **Exhibit 38** is a true and correct copy of Exhibit 21 from the deposition of Gillian K. Hadfield, J.D., Ph.D., held on August 9, 2023.

38. Attached hereto as **Exhibit 39** is a true and correct copy of Exhibit 3A from the deposition of James D. Ratliff, Ph.D., held on July 28, 2023.

39. Attached hereto as **Exhibit 40** is a true and correct copy of Exhibit 10 from the deposition of James D. Ratliff, Ph.D., held on July 28, 2023.

40. Attached hereto as **Exhibit 41** is a true and correct copy of Exhibit 16 from the deposition of James D. Ratliff, Ph.D., held on July 28, 2023.

41. Attached hereto as **Exhibit 42** is a true and correct copy of Exhibit 9 from the deposition of Sean Shafik, held on April 22, 2022.

42. Attached hereto as **Exhibit 43** is a true and correct copy of Exhibit 12 from the deposition of Tomas van der Heijden, held on May 9, 2023.

43. On May 11, 2023, ROSS Intelligence, Inc. served Plaintiffs and Counterdefendants Thomson Reuters Enterprise Centre GmbH and West Publishing Corporation its Response and Objection to Plaintiff's Fifth Set of Interrogatories. A true and correct copy of this document is attached as **Exhibit 44**.

44. On October 20, 2022, Thomson Reuters Enterprise Centre GmbH and West Publishing Corporation served Defendant and Counterclaimant ROSS Intelligence Inc. their Responses and Objections to ROSS Intelligence's First Set of Counterclaim Requests for Admission (No. 136). A true and correct copy of this document is attached as **Exhibit 45**.

45. On March 28, 2023, ROSS Intelligence, Inc. served Plaintiffs and Counterdefendants Thomson Reuters Enterprise Centre GmbH and West Publishing Corporation its Third Amended Initial Disclosures Pursuant to Fed. R. Civ. P. 26(a)(1). A true and correct copy of this document is attached as **Exhibit 46**.

46. Attached hereto as **Exhibit 47** is a true and correct copy of the document produced in this litigation with beginning Bates FASTCASE\_098482.

47. Attached hereto as **Exhibit 48** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-000304771.

48. Attached hereto as **Exhibit 49** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-003332311.

49. Attached hereto as **Exhibit 50** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-003334226.

50. Attached hereto as **Exhibit 51** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-003343202.

51. Attached hereto as **Exhibit 52** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-003375703.

52. Attached hereto as **Exhibit 53** is a true and correct copy of the document produced in this litigation beginning Bates ROSS-003389728.

53. Attached hereto as **Exhibit 54** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-003390286.

54. Attached hereto as **Exhibit 55** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-003401777.

55. Attached hereto as **Exhibit 56** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-003426765.

56. Attached hereto as **Exhibit 57** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-003487472.

57. Attached hereto as **Exhibit 58** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-003489446.

58. Attached hereto as **Exhibit 59** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-003504697.

59. Attached hereto as **Exhibit 60** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-003505433.

60. Attached hereto as **Exhibit 61** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-003598768.

61. Attached hereto as **Exhibit 62** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-009500822.



62. Attached hereto as **Exhibit 63** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-009547377.

63. Attached hereto as **Exhibit 64** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-009584733.

64. Attached hereto as **Exhibit 65** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-009677601.

65. Attached hereto as **Exhibit 66** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-009701040.

66. Attached hereto as **Exhibit 67** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-009720947.

67. Attached hereto as **Exhibit 68** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-009722263.

68. Attached hereto as **Exhibit 69** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-009768253.

69. Attached hereto as **Exhibit 70** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-009778735.

70. Attached hereto as **Exhibit 71** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-010150145.

71. Attached hereto as **Exhibit 72** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-010175908.

72. Attached hereto as **Exhibit 73** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-010176471.

73. Attached hereto as **Exhibit 74** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-010204342.

74. Attached hereto as **Exhibit 75** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-010262981.

75. Attached hereto as **Exhibit 76** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-010316940.

76. Attached hereto as **Exhibit 77** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-023018627.

77. Attached hereto as **Exhibit 78** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-023018665.

78. Attached hereto as **Exhibit 79** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-023046631.

79. Attached hereto as **Exhibit 80** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-023091588.

80. Attached hereto as **Exhibit 81** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-023101050.

81. Attached hereto as **Exhibit 82** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-023109068.

82. Attached hereto as **Exhibit 83** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-023111280.

83. Attached hereto as **Exhibit 84** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-023115847.

84. Attached hereto as **Exhibit 85** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-023122715.

85. Attached hereto as **Exhibit 86** is a true and correct copy of the document produced in this litigation with beginning Bates ROSS-023170423.

86. Attached hereto as **Exhibit 87** is a true and correct copy of the document produced in this litigation with beginning Bates TR-0002844.

87. **Exhibit 88** is intentionally left blank.

88. Attached hereto as **Exhibit 89** is a true and correct copy of excerpts from the document produced in this litigation with beginning Bates TRCC-00014349.

89. Attached hereto as **Exhibit 90** is a true and correct copy of the document produced in this litigation with beginning Bates TRCC-00195791.

90. Attached hereto as **Exhibit 91** is a true and correct copy of the document produced in this litigation with beginning Bates TRCC-00266212.

91. Attached hereto as **Exhibit 92** is a true and correct copy of the document produced in this litigation with beginning Bates TRCC-00437310.

92. Attached hereto as **Exhibit 93** is a true and correct copy of the document produced in this litigation with beginning Bates TRCC-00699600.

93. Attached hereto as **Exhibit 94** is a true and correct copy of the document produced in this litigation with beginning Bates TRCC-00737044.

94. Attached hereto as **Exhibit 95** is a true and correct copy of the document produced in this litigation with beginning Bates TRCC-01727279.

95. Attached hereto as **Exhibit 96** is a true and correct copy of the document produced in this litigation with beginning Bates TRCC-01734423.

96. Attached hereto as **Exhibit 97** is a true and correct copy of the document produced in this litigation with beginning Bates TRCC-01739548.

97. Attached hereto as **Exhibit 98** is a true and correct copy of the document produced in this litigation with beginning Bates TRCC-01740102.

98. Attached hereto as **Exhibit 99** is a true and correct copy of the document produced in this litigation with beginning Bates TRCC-01803619.

99. Attached hereto as **Exhibit 100** is a true and correct copy of the document produced in this litigation with beginning Bates TRCC-03922680.

100. Attached hereto as **Exhibit 101** is a true and correct copy of the document produced in this litigation with beginning Bates TRCC-05496656.

101. Attached hereto as **Exhibit 102** is a true and correct copy of the document produced in this litigation with beginning Bates TRCC-05614007.

102. Attached hereto as **Exhibit 103** is a true and correct copy of the document produced in this litigation with beginning Bates TRCC-05663507.

103. Attached hereto as **Exhibit 104** is a true and correct copy of the document produced in this litigation with beginning Bates TRCC-05813211.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed on this 31st day of August, 2023.

  
\_\_\_\_\_  
Max Samels

**CERTIFICATE OF SERVICE**

I hereby certify that on August 31, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on August 31, 2023, upon the following in the manner indicated:

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*/s/ Michael J. Flynn*

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Michael J. Flynn (#5333)